

May 2017

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## JOB SERVICE BOZEMAN NEWS

Monthly Publication for May 2017

### Older Americans Working Longer

*In this Issue*



More than ever before, older Americans are working longer, trying new things, and engaging in their communities.

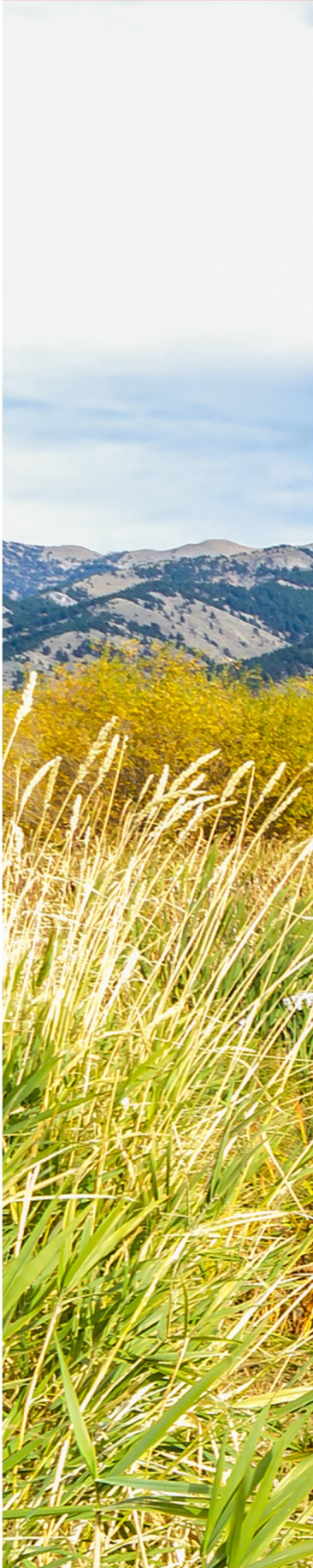
Each May, the Administration for Community Living (ACL) leads our nation's celebration of Older Americans Month (OAM). ACL designed the 2017 OAM theme, Age Out Loud, to give aging a new voice—one that reflects what today's older adults have to say. <https://oam.acl.gov/>

What getting older looks like today:

While we may think of older adults as retirees, the fact is millions of Americans, aged 55 and older, work full or part-time jobs every day. The reasons that these people continue to work, vary. For some older Americans, it is a matter of financial need or they continue to work to stay independent. Others work to stay active or engaged in their communities.

- In 2015, 33 million Americans aged 55+ were employed, and 1.3 million were actively seeking work. (Bureau of Labor Statistics (BLS))
- Nearly twice as many older workers aged 65+ were employed in 2015 than teenage workers (8.4 million vs 4.7 million). (BLS)
- Weekly earnings vary by age and gender. In the 55-64 age group, median weekly earnings for men were \$1,069 in 2015 and \$781 for women.
- Part-time work is appealing to many older workers who want to scale back but still remain in the workplace; however, many older workers work part-time because of the weak job market or because they cannot find full-time work. An AARP Public Policy Institute survey of older workers in 2014 found that 41% of those experiencing long-term unemployment took part-time to help pay the bills. (AARP Public Policy Institute) .
- In June 2014, 4.7% of workers aged 55+ held more than one job. Doing so may indicate an inability to find a job that pays enough hours. (AARP Public Policy Institute) [Continue Reading](#)





## Montana’s Unemployment Rate at 3.8%

Governor Bullock announced Montana's unemployment rate for March was 3.8%. The U.S. unemployment rate declined by 0.2 percentage points to 4.5% in March.

“More Montanans are at work than ever before in our state’s history and 4,500 more of friends, families, and neighbors joined the workforce this first quarter,” said Governor Bullock. “Montana’s economy is strong and continues to grow and expand as we continue to find ways to ensure Montana businesses have a steady pipeline of trained and skilled employees.”


Payroll employment in Montana surged during the first quarter of 2017, increasing by nearly 4,800 jobs over the 4th quarter of 2016 on a seasonally adjusted basis. Industries with the largest gains include construction, professional and business services, and healthcare. Total employment levels, which include self-employed and agricultural workers, indicated a statistically insignificant decline of 278 jobs over the month. The number of unemployed people and the labor force also declined, leading to a reduction in the unemployment rate.

The Consumer Price Index for All Urban Consumers (CPI-U) decreased 0.3% in March, with large declines in gasoline and wireless telephone services. Over the last 12 months, the CPI-U has increased by 2.4%. The index for all items less food and energy, also called core inflation, posted a rare decline of 0.1% in March. The March decline in core inflation is the first decline since January 2010.


\*\* Unemployment figures are seasonally-adjusted. Seasonally-adjusted numbers remove the effects of events that follow a more or less regular month-to-month pattern each year. These adjustments make nonseasonal patterns easier to identify. The margin of error for the unemployment rate is plus or minus 0.5 percentage points at the 90 percent confidence level. All questions relating to the calculation of unemployment rates should be directed to the Montana Department of Labor and Industry’s Research and Analysis Bureau at 1-800-541-3904.

CURRENT UNEMPLOYMENT RATE

March 2017 - Seasonally Adjusted





3.8%



4.5%

Over the Month Change

 -0.1%

 -0.2%

Non-Seasonally Adjusted Unemployment Rates:

Nation: 4.6%

Montana 4.3%

Gallatin County:

Unemployment Rate: 2.7%

Total Labor Force: 62,549

Total Unemployed: 1,708

Total Jobs Posted Statewide:

8610

Source: [lmi.mt.gov](http://lmi.mt.gov)

Montana Department of Labor & Industry

## Is Small Business Big in Montana?

By Emily Klungtvedt, Economist



### Montana Economy At A Glance

Many policy and economic debates center around small business and their role in the economy. State and community leaders often talk about how policies will help or hurt small business. Major labor and business regulations exempt small business. These discussions and policy decisions, especially in Montana, stem from the idea that small businesses provide a significant number of good-paying jobs and promote entrepreneurship. But how large a role do small businesses actually play in Montana’s economy? What exactly does it mean to be a small business? What type of industry is best suited for small business? The answers to these questions are important for a full understanding of the role of small business in Montana.

[Read Article](#)

## Points of Interest when Hiring

by Lisa Crooks

Common Employer Questions about Returning Service Members with Traumatic Brain Injury, (TBI) and/or Post Traumatic Stress Disorder, (PTSD):

What should employers expect from National Guard and Reservists who return to their jobs with TBI and/or PTSD?

As TBI and PTSD are the signature injuries of the Global War on Terror, it is possible that many National Guard and Reservists will return to their civilian jobs with these conditions. However, the effects of TBI and PTSD vary widely from person to person depending upon the severity of one's injury or traumatic experience. To educate yourself, read through the free materials on the [America's Hero](#) web site.

Are TBI and PTSD conditions that are exclusive to veterans?

TBI and PTSD within our military populations are getting a great deal of well-deserved attention. However, the conditions are not new – or exclusive to veterans. Some first responders, for example, are among the millions of people who experience post-traumatic stress. In addition, according to the Brain Injury Association of America; more than 1.4 million people sustain a brain injury every year in the United States. The America's Heroes at Work initiative is designed to help any employee with TBI, PTSD and other invisible conditions succeed on the job.



## US Department of Labor announces plans to protect American workers from H-1B program discrimination

The U.S. Department of Labor announced plans today to protect U.S. workers from H-1B program discrimination by providing greater transparency and oversight.

The program allows employers to hire highly skilled foreign workers in specialty occupations. The H-1B visa program authorizes the temporary employment of qualified individuals who are not otherwise authorized to work in the U.S. In recent years, some employers have used the H-1B program to hire foreign workers despite American workers being qualified and available for work or even to replace American workers.

The department fully supports the U.S. Department of Justice in cautioning employers who petition for H-1B visas not to discriminate against U.S. workers, as well as the U.S. Department of Homeland Security's measures to further deter and detect H-1B visa fraud and abuse.

The department will protect American workers against discrimination through the following actions:

- ◇ Rigorously use all of its existing authority to initiate investigations of H-1B program violators. This effort to protect U.S. workers will also involve greater coordination with other federal agencies, including the departments of Homeland Security and Justice for additional investigation and, if necessary, prosecution.
- ◇ Consider changes to the Labor Condition Application for future application cycles. The Labor Condition Application, which is a required part of the H-1B visa application process, may be updated to provide greater transparency for agency personnel, U.S. workers and the general public.
- ◇ Continue to engage stakeholders on how the program might be improved to provide greater protections for U.S. workers, under existing authorities or through legislative changes.

For more information about the department's foreign labor certification program, visit <https://www.foreignlaborcert.doleta.gov/>. For more information on enforcement of the nondiscrimination requirements of the H-1B program, visit <https://www.dol.gov/whd/immigration/h1b.htm>.



# The Test For Unpaid Interns

*From the U.S. Department of Labor For Paid and Unpaid Internships*



Just a reminder, we are approaching the season when the Department of Labor & Industry often sees an increase in questions from employers about internships and requests to post jobs for unpaid intern positions. As you may already know, in the case of private-sector employers, the intern must be paid at least minimum wage as well as overtime. Please read the US Department of Labor, Wage and Hour Division, Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act. The Fact Sheet includes six criteria that must be applied when making a determination on Unpaid Interns. If you have questions in addition to the information provided on the Fact Sheet, visit <https://www.dol.gov/whd/regs/compliance/whdfs71.htm> or telephone 866-4-USWAGE.

## Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to “for-profit” private sector employers.

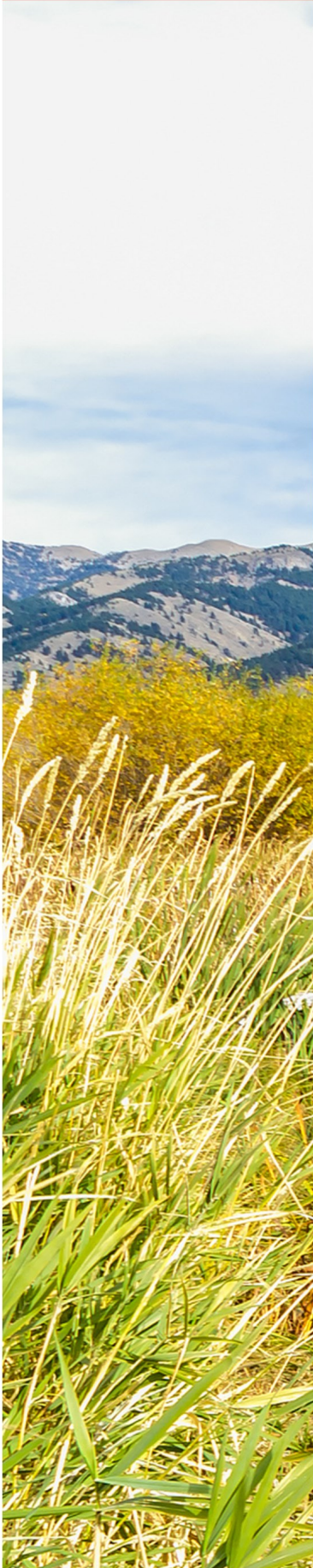
### Background

The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek...

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act’s minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA’s definition of “employ” is very broad. Some of the most commonly discussed factors for “for-profit” private sector internship programs are considered below.



## Unpaid Internships

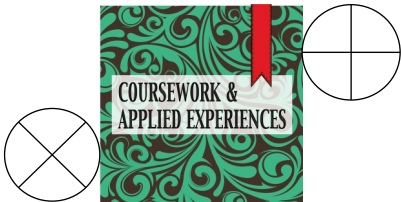
Similar To An Education Environment And The Primary Beneficiary Of The Activity

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work. <https://www.dol.gov/whd/regs/compliance/whdfs71.htm>

## Paid Internships

Displacement And Supervision Issues

If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular workforce, this would suggest an employment relationship, rather than training.



## Resources to help employers recruit, hire, retain, and advance people with disabilities guide

[EARN can help your business be more disability inclusive](#)

If you're new to the world of disability diversity and inclusion, you may need some general guidance and background on the what, why and how. So consider this your starting point for unlocking the power of the EARN website.

EARN is on a mission to help employers weave disability into their diversity and inclusion efforts. Why? Because recruiting, hiring, retaining and advancing workers with disabilities is good for America and good for business. Progressive employers everywhere are learning that businesses inclusive of people with disabilities, including veterans with disabilities, benefit from a wider pool of talent, skills and creative business solutions.







The National Law Review

## Appeal of DOL Final Overtime Rule Won't Be Heard Until At Least The Summer



The Fifth Circuit granted the government's request for additional time to file its final reply brief in the pending appeal of a nationwide injunction issued by a Texas District Court Judge, blocking the DOL's controversial overtime rule raising the required salary level for the white collar exemptions.

The final reply brief will not be filed until June 30, 2017, with oral argument likely scheduled sometime in the summer, unless additional requests for an extension are made....[Read More](#)

## Who really benefits from performance reviews?

Performance Review Misconceptions  
Who do they really help

bamboohR™

Who Do They Really Help?

### IN THE BEGINNING

Performance reviews were designed to help managers know who was performing- and who to fire.

### MID-CENTURY

Companies changed. Leaders realized company success lies in their employees. But performance reviews didn't change.

### TODAY

Outdated performance reviews make employees unhappy. Performance reviews no longer fit today's workplace.

[Continue Reading](#)







Hello Everyone,

This month, we should ask ourselves, **Why Security?**

Work is challenging in and of itself, with processes, policies and employee dynamics. On top of all that, we have IT systems that permeate every aspect of our responsibilities. Now we have to add more challenges by concerning ourselves with "cyber security"? Why does it matter?

**\$4 Million:**

Average cost of a data breach. A "breach" occurs when sensitive data is viewed, stolen or used by an unauthorized person.

North Carolina endured a breach which cost \$24 Million.

This number does not include the loss of trust from the public and their impression on state government, the indirect economic downturn resulting from personal and governmental funds allocated to breach recovery, as well as the intangible personal and emotional costs felt by affected individuals.

Why are we worrying about IT security now, when IT systems have existed for longer?

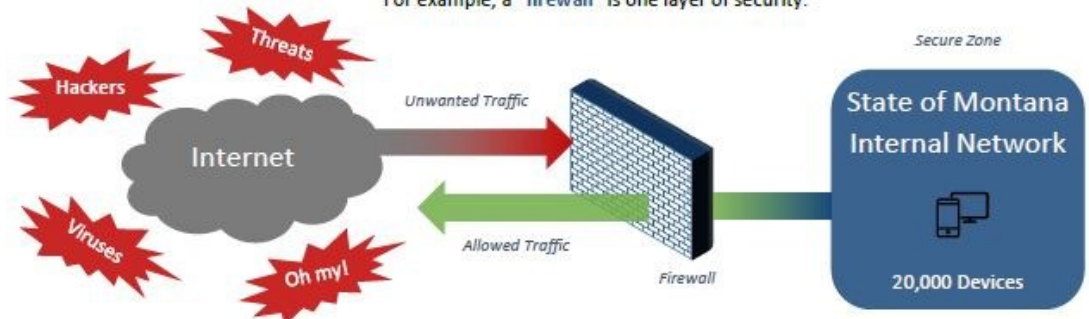
**4300%:**

Expected increase by the year 2020 in the amount of data we integrate and transmit within IT network services, databases and applications.

2016 marked a transition in which cyber crime surpassed all forms of traditional crime.

We place more and more data of value onto computers exponentially each year. Digital data will increase 43x over the next three years. Social Security Numbers, Tax-related data, health records, criminal records... If any of this data falls into the wrong hands, we will have experienced a data breach. We must handle all sensitive data properly by applying appropriate layers of security.

For example, a "firewall" is one layer of security:



**3 Billion:**

Average number of attempts per month from outside entities to penetrate the Montana State Government perimeter defense, or "firewall".

Common Originating Countries: China, Russia, US, Brazil, India, France, Ukraine, UK and Philippines.

In what others ways do data breaches occur?

Although the firewall blocks threats from the outside automatically, there are other systems and processes internally that require active involvement from you on a daily basis. Here are some examples:

### Don't Use Sensitive Data as a Primary Identifier

For example, unsecure use of a social security number (SSN) as a primary method of identification and verification. The world has drifted away from this unsafe practice. SSNs should be guarded, hidden and only used when needed. Think about how your business uses SSNs.



## Use Multi Factor Authentication

Using a second factor in addition to your password reduces the ability of an intruder to access your account. It is recommended to use a second factor on all accounts that have value: Email, Amazon, Bank, Retirement.

Use 2 or more Factors:

Something you know: Password, PIN

Something you have: RSA token, card

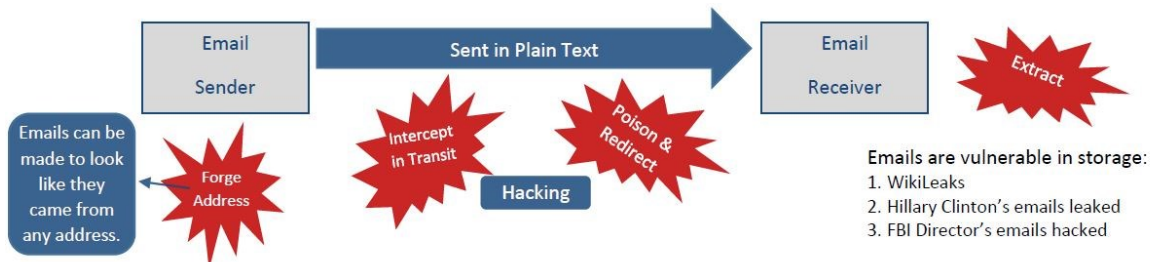
Something you are: fingerprint, retina

## "Don't Click That!"

If you receive a suspicious email, please report it.

## Use ePass to Transmit Sensitive Data Electronically

Email is great for non-confidential data, but is not secure for anything sensitive. Email can be faked, intercepted or redirected.



The following website maintains a list of compromised email accounts found in data breaches. Use this resource to check if your personal email account has been breached: <https://haveibeenpwned.com>

These are a few of the security layers that we employ to mitigate risk in the enterprise. These systems require daily participation from everyone. Cybercrime and the resulting necessity for security continues to gain upward momentum each year. Threats are real. Attackers are persistent and intelligent. Thank you all for your continued vigilance in staying safe online.

Respectfully,



**John Cross**  
CISSP, CEH, Security+  
Agency Information Security Officer  
406.444.5263



# Assistance to Business Clinic - ABC-Clinic

May 10th ~ 8 AM to 5 PM ~ Holiday Inn, 5 Baxter Lane, Bozeman.

It is once again time to register for the annual hands-on ABC-Clinic specially designed to assist New & Established employers, accountants, bookkeepers, human resource professionals & lawyers by providing a broader understanding and/or steps to implement the latest changes to various law, rules and regulations and to proactively prevent unnecessary claims and/or charges by providing updated reporting of state withholding, UI Tax requirements, workers' comp. coverage, minimum wage, overtime, USERRA laws and regulations and to provide recruitment strategies and resources, and tax and hiring incentives.

Attendees will also receive reference materials including but not limited to the following areas: Apprenticeship & Training, Independent Contractor Registration, Emergency Planning Guides, Employer Services, Employer Posters, Federal Bonding Program, Federal Tax Incentives, Incumbent Worker Training Program (IWT), Small Business Administration (SBA), and Tip Reporting.

Continuing education credit will be available for attending. For additional clinic information contact Kay Strayer at [kstrayer@mt.gov](mailto:kstrayer@mt.gov) or (406) 444-9081. and tax and hiring incentives.

To Register for the ABC-Clinic, contact Kellynn Churchill at the Bozeman Chamber of Commerce, 586.5421.

To read the full Agenda, visit: <http://dli.mt.gov/-assistance-for-business-clinics>.



## Training

# Introducing

MONTANA BOILER SCHOOL IS PLEASED TO OFFER STATE OF MONTANA DLI REQUIRED TRAINING for persons seeking a low pressure or 3rd class boiler operator's certification.

Course information and registration can be found at [www.montanaboilerschool.com](http://www.montanaboilerschool.com) Our next course will be the four Saturdays in June (3rd, 10th, 17th, 24th). [Detailed course information](#)

THIS SCHOOL IS OPERATED BY CORE CONTROL <http://corecontrolmt.com/>

In 2016, Core Control received the Employer of Choice Award for under 25 employees from the Montana State Employer's Council. Our instructors are drawn from our professional team. I've attached a brief company resume.

Finally, I have attached all the State of Montana required information I am aware of that is necessary to help connect job seekers with our course. Please let me know if you have further questions, require further information, or would like to speak voice to voice or face to face. I would be happy to take the time.

Contact Brian Johnson, Service Advisor, Montana Boiler School & Core Control, at 406-556-0166 if you have any questions.



## Introducing

*Soft Skills and Windmills* Training brought to you by Montana Department of Labor and Industry and Montana Rehabilitation and Blind Services

EMPLOYERS ALL AGREE THAT SOFT SKILLS ARE ABSOLUTELY ESSENTIAL IN EVERY OCCUPATION.

These skills are so valuable that they are often the deciding factor in employee lay off or promotion.

Through a collaborative effort between Job Service Bozeman and Vocational Rehabilitation & Blind Services, Soft Skills training is now available to your employees.

Using several popular models, trained staff is available to provide Soft Skills facilitation, customized to fit your needs and schedule.

THIS TRAINING IS AVAILABLE WITHOUT ADDITIONAL COST TO YOU!

Also, many employers would like to hire individuals with disabilities, but find that fears, biases, and myths about disabilities create obstacles in the workplace.

Through facilitated discussion, the Windmills program helps employers and employees understand attitudes, methods and skills that will help them work

This proven program is relevant to all levels of employment and covers topics like workplace etiquette and accommodations, as well as issues concerning the Americans With Disabilities Act.

THIS TRAINING IS AVAILABLE WITHOUT ADDITIONAL COST TO YOU!

To learn more about both of these free training opportunities for your employees, contact Paul at Job Service Bozeman, 406.582.9233.





## Events



### ◇ **HR ANSWERS YOU NEED NOW** Jim Nys and Michelle Edmunds

The National Federation for Independent Business is once again sponsoring its popular HR Summer Tour to five Montana communities. Individuals with people management responsibilities will learn important tips and cautions to keep them out of legal trouble when managing day to day.

Jim Nys has well over 30 years experience in personnel management and is a member of the NFIB and part of the NFIB MT Leadership Council.

Michelle Edmunds is certified as a Senior Professional in Human Resources by the Human Resource Certification Institute and a Certified Senior Professional by the Society for Human Resource Management (SHRM).

The fee for this seminar is \$149. NFIB members receive a \$20 per person discount. Two or more attend the same session from the same organization, take off an additional \$20 per person.

**Helena, June 13th**  
**Butte, June 21st**

**Belgrade, June 28th**  
**Kalispell, July 12th**

**Billings, July 18th**

Workshops begin at 8:15 am and end at 4:30 pm. Refreshments are provided and lunch is on your own. To register, visit [personnel-plus.com](http://personnel-plus.com) /// click on 'trainings, or contact [carra@westaffmt.com](mailto:carra@westaffmt.com).

### **WHAT YOU WILL LEARN**

Legislative Update for State and Federal Legislation

Wage and Hour - Overtime Exemption Issues, What Qualifies as Time Worked, Overtime Liability, Wage...

Discrimination & Harassment - What Acts Might be Considered Discriminatory, Dealing with Disability and Religious Accommodation, New Rule on Sexual Orientation

Employee Handbooks - What You Need and What to Avoid, MT Specific Policy Issue, Understanding When Employees Must Be Granted Time Off

Wrongful Termination - What Makes A Discharge Wrongful, Making A Discharge Defensible, Avoiding Discriminatory Discharge

Employee Privacy - Background Check, Reference Check, Drug and Alcohol Test, Polygraph Test, Medical Marijuana, Using Social Media to Screen Employees

### ◇ **INNOVATE MONTANA SYMPOSIUM** Montana's Premier Entrepreneurship Conference

July 12-13 in Billings, Montana

The Innovate Montana Symposium is Montana's signature annual business and networking event, connecting innovative ventures from diverse industries with economic opportunity. Over the course of two days, we'll provide the insights, tools, and collaboration that foster thriving businesses and communities in our state. The event's high impact speaker series will be paired with focused breakout sessions so inspiration is directly channeled into action plans. Brain dates and social events will make sure the right people are in the room for creating new ventures and powerful partnerships.

### **SPEAKERS:**

Bethany Yellowtail, Founder and Designer of BYELLOWTAIL

Dave Morin, CEO of Path and Co-Creator of the Facebook Platform.

### **BREAK OUT SESSIONS** Include:

Building a Business. Building a Community  
Developing Industry Sector Workforce Strategy

